

**MINUTES OF MEETING  
ZONING BOARD OF ADJUSTMENT  
FEBRUARY 7, 2023, 4:00PM  
DOCKET 1374  
2 LADUE CREST LANE**

A meeting of the Zoning Board of Adjustment was held at 4:00 p.m. on Tuesday, February 7, 2023.

The following members of the Board were present:

Chairman Ms. Liza Forshaw  
Ms. Laura Long  
Ms. Elizabeth Panke  
Mr. Lee Rottmann  
Mr. Kristin Holton

Also present: Mayor Spewak; Erin Seele, City Attorney; Anne Lamitola, Director of Public Works; Paul Garlock, Building Commissioner; Andrea Sukanek, City Planner; and Lori Mullins, Deputy City Clerk.

Chairman Ms. Liza Forshaw called the meeting to order at 4:00 P.M.

**Approval and Adoption of the Agenda**

The agenda was adopted unanimously upon motion by Ms. Panke and second by Mr. Rottmann.

**Approval of the Minutes from the January 3, 2023, meeting**

The minutes were approved unanimously upon motion by Ms. Panke and second by Mr. Rottmann.

**Docket 1374**

Petition is submitted by Justin and Roma Bordewick for the property located at 2 Ladue Crest Lane. The petitioner is requesting relief from the City Planner denying a retaining wall taller than the 6-foot allowed which is in violation of Ladue Zoning Ordinance #1175, Section IV-F-3.

Ms. Panke recused herself from Docket 1374; Ms. Forshaw advised that the remaining four board members must approve the petition for a variance to be granted. She gave the applicant the opportunity to defer the case. Mr. Dennis Mangus, contractor, chose to continue with the hearing.

Ms. Sukanek explained the reason for the denial. The Building Commissioner denied the application, as it was deemed to be a retaining wall on the application and exceeds the permissible 6 feet in height. Ms. Sukanek shared the definition of a retaining wall from Ord. 1752 as:

*A wall of masonry, concrete, polymers or treated timber for holding in place a mass of earth and not used to support, provide a foundation for, or provide a wall for a building.*

Ms. Sukanek stated that the wall does not meet the definition of a retaining wall, it is more of a foundation wall as it provides the foundation for the deck area, which is attached to the home. This application should have been processed as a deck application and reviewed by the Architecture Review Board.

Ms. Forshaw introduced the following exhibits to be entered into the record:

- Exhibit A – Zoning Ordinance 1175, as amended;
- Exhibit B – Public Notice of the Hearing;
- Exhibit C – Letter of Denial dated November 2, 2022;
- Exhibit D – List of Residents sent notice of meeting;
- Exhibit E – Letter requesting the variance dated December 15, 2022;
- Exhibit F – Entire file relating to the application

Mr. Mangus took the oath to address the Board, maintaining that the wall provides support for the deck.

After discussion, Ms. Long moved that the decision of the City Planner be reversed. The denial was based on the structure being a retaining wall. The decision is reversed; however, a variance is not granted. The motion passed unanimously upon second by Mr. Rottmann.

The vote was as follows:

Ms. Forshaw	“approve”
Ms. Laura Long	“approve”
Mr. Lee Rottmann	“approve”
Mr. Holton	“approve”
Ms. Elizabeth Panke	* recused

With four (4) votes in favor and zero (0) against, the motion passed, the ruling of the City Planner was overturned, and a variance was not needed. The applicant will need to apply for a deck permit and have approval of the A.R.B.

### **Adjournment**

At 5:30 p.m. the meeting adjourned upon motion by Ms. Panke and second by Ms. Laura Long.

DOCKET 1374

DATE OF HEARING

February 7, 2023

NAME

Justin and Roma Bordewick

DESCRIPTION OF PROPERTY

2 Ladue Crest Lane

CAUSE FOR APPEAL

The petitioner is requesting relief from the The petitioner is requesting relief from the City Planner denying a retaining wall taller than the 6-foot allowed which is in violation of Ladue Zoning Ordinance #1175, Section IV-F-3.

RULING OF THE BOARD

After discussion of evidence presented, the Board overturns the decision of the Building Commissioner. A variance is not required.

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Ms. Liza Forshaw

**MINUTES OF MEETING  
ZONING BOARD OF ADJUSTMENT  
FEBRUARY 7, 2023, 4:00PM  
DOCKET 1375  
2105 S. WARSON ROAD**

A meeting of the Zoning Board of Adjustment was held at 4:00 p.m. on Tuesday, February 7, 2023.

The following members of the Board were present:

Chairman Ms. Liza Forshaw  
Ms. Laura Long  
Ms. Elizabeth Panke  
Mr. Lee Rottmann  
Mr. Kristin Holton

Also present: Mayor Spewak; Erin Seele, City Attorney; Anne Lamitola, Director of Public Works; Paul Garlock, Building Commissioner; Andrea Sukanek, City Planner; and Lori Mullins, Deputy City Clerk.

Chairman Ms. Liza Forshaw called the meeting to order at 4:00 P.M.

**Approval and Adoption of the Agenda**

The agenda was adopted unanimously upon motion by Ms. Panke and second by Mr. Rottmann.

**Approval of the Minutes from the January 3, 2023, meeting**

The minutes were approved unanimously upon motion by Ms. Panke and second by Mr. Rottmann.

**Docket 1375**

Petition is submitted by Ladue Corner, LLC for the property located at 2105 S Warson Road. The petitioner is requesting relief from the City Planner denying a fence on Warson and Litzsinger Roads that exceeds 42" in the front yard which is in violation of Ladue Zoning Ordinance #1175, Section IV-C-1(a).

Ms. Sukanek explained the reason for the denial.; The proposal was denied as the height exceeds the permissible 42" height by 18". The proposed brick pillars to be placed about every 55' are 6'10" which exceed the permissible 6" in additional post height.

Ms Forshaw introduced the following exhibits to be entered into the record:

- Exhibit A – Zoning Ordinance 1175, as amended;
- Exhibit B – Public Notice of the Hearing;
- Exhibit C – Letter of Denial dated December 9, 2022;
- Exhibit D – List of Residents sent notice of meeting;
- Exhibit E – Letter requesting the variance dated December 15, 2022;

Exhibit F – Entire file relating to the application

Mr. Tony Ruebsam was sworn in to address the Board, he asserted the following practical difficulties:

- Size of property 11.4 acres makes the height reasonably proportional
- Deep set back 400' from Warson and 250' from Litzsinger
- Road frontage of 1500'
- Asthetics
- Security
- Visibility from the home

Discussion ensued.

Ms. Caroline Sant, 9720 Litzsinger Road asked to see the proposed fence. She approached the Board to look at the plans. Ms. Sant shared her opposition to the proposal.

After discussion of the facts presented, including the established standards for permitted fence height, the risk of setting a precedent, and the lack of established practical difficulties, Ms. Long moved to overturn the decision of the City Planner and grant the variance. Ms. Panke seconded the motion. The vote was as follows:

The vote was as follows:

Ms. Forshaw	"disapprove"
Ms. Laura Long	"disapprove"
Ms. Elizabeth Panke	"disapprove"
Mr. Lee Rottamn	"disapprove"
Mr. Holton	"disapprove"

With zero (0) votes in favor and five (5) against, the motion failed, the ruling of the City Planner was upheld, and a variance was denied.

**Adjournment**

At 5:30 p.m. the meeting adjourned upon motion by Ms. Panke and second by Ms. Laura Long.

DOCKET 1375

DATE OF HEARING	February 7, 2023
NAME	Ladue Corner, LLC
DESCRIPTION OF PROPERTY	2105 S. Warson Road
CAUSE FOR APPEAL	The petitioner is requesting relief from the City Planner denying a fence on Warson and Litzsinger Roads that exceeds 42" in the front yard which is in violation of Ladue Zoning Ordinance #1175, Section IV-C-1(a).
RULING OF THE BOARD	After discussion of evidence presented, the Board upholds the decision of the City Planner. A variance is not granted.

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Ms. Liza Forshaw

**MINUTES OF MEETING  
ZONING BOARD OF ADJUSTMENT  
FEBRUARY 7, 2023, 4:00PM  
DOCKET 1376  
3 LOREN WOODS DRIVE**

A meeting of the Zoning Board of Adjustment was held at 4:00 p.m. on Tuesday, February 7, 2023.

The following members of the Board were present:

Chairman Ms. Liza Forshaw  
Ms. Laura Long  
Ms. Elizabeth Panke  
Mr. Lee Rottmann  
Mr. Kristin Holton

Also present: Mayor Spewak; Erin Seele, City Attorney; Anne Lamitola, Director of Public Works; Paul Garlock, Building Commissioner; Andrea Sukanek, City Planner; and Lori Mullins, Deputy City Clerk.

Chairman Ms. Liza Forshaw called the meeting to order at 4:00 P.M.

**Approval and Adoption of the Agenda**

The agenda was adopted unanimously upon motion by Ms. Panke and second by Mr. Rottmann.

**Approval of the Minutes from the January 3, 2023, meeting**

The minutes were approved unanimously upon motion by Ms. Panke and second by Mr. Rottmann.

**Docket 1376**

Petition is submitted by Harold Stuhl, Jr for the property located at 3 Loren Woods Drive. The petitioner is requesting relief from the City Planner denying a garage due to encroachment into the side and rear yard setback which is in violation of Ladue Zoning Ordinance #1175, Section V-B-2 and V-C-1(a).

Ms. Sukanek explained that the proposal was denied due to the encroachment into the required 5' side yard setback. The applicant's requests place a garage in the vacated footprint of the nonconforming carport. The structure was nonconforming and was built too close to the property line.

The previous building commissioner issued a permit for the structure based on his interpretation of Section IV D(8):

*Repairs, maintenance, improvements, conversion and structural alterations of nonconforming buildings housing conforming uses may be carried out, provided that such work does not increase the cubic content of the building, increase the height of the building, in anyway increase the degree of nonconformity, or create any new nonconformity.*

Mr. Stewart interpreted that the code allowed for a total replacement of the structure, believing a small remaining fragment of concrete indicated the permit was eligible for reinstatement. The carport was demolished, however, Mr. Stuart retired before the building permit was issued. Upon permit review, Ms. Sukanek found the garage is encroaching into the 5' setback and thus denied the permit.

Ms. Forshaw introduced the following exhibits to be entered into the record:

- Exhibit A – Zoning Ordinance 1175, as amended;
- Exhibit B – Public Notice of the Hearing;
- Exhibit C – Letter of Denial dated December 21, 2022;
- Exhibit D – List of Residents sent notice of meeting;
- Exhibit E – Letter requesting the variance dated January, 2, 2023;
- Exhibit F – Entire file relating to the application

Mr. Stuhl took the oath; he submitted a write up of his experience. This was his first building endeavor, so he engaged the City for assistance. He has been in the house for over 30 years and wants to add to the house and keep it as a forever home. He would like the garage to sit in the same footprint as the former carport and does not want an attached garage. In meetings with the ARB and with Mr. Stuart the former structure was not discussed.

Ms. Cathy Karpowich, 5 Loren Woods, took the oath to report that she is excited about the improvements but is concerned that the garage is part of a larger project and does not want a precedent set.

Mr. Jim Dillon, attorney for the Groves, 1 Loren Woods, shared several objections and asked the Board to object to the plan for the following reasons:

- Non-compliance
- Only economic hardship
- Compliant placement is possible
- The plan cannot be built without trespass

Discussion ensued.

After discussion of the facts presented, including the importance of setbacks, the risk of setting a precedent, the ability to change the placement, and the lack of practical difficulties, Ms. Long moved to overturn the decision of the City Planner and grant the variance. Ms. Panke seconded the motion. The vote was as follows:

The vote was as follows:

Ms. Forshaw	"disapprove"
Ms. Laura Long	"disapprove"
Ms. Elizabeth Panke	"disapprove"
Mr. Lee Rottmann	"disapprove"
Mr. Holton	"disapprove"



With zero (0) votes in favor and five (5) against, the motion failed, the ruling of the City Planner was upheld, and a variance was denied.

**Adjournment**

At 5:30 p.m. the meeting adjourned upon motion by Ms. Panke and second by Ms. Laura Long.

DOCKET 1376

DATE OF HEARING February 7, 2023

NAME Harold Stuhl, Jr.

DESCRIPTION OF PROPERTY 3 Loren Woods Drive

CAUSE FOR APPEAL The petitioner is requesting relief from the City Planner denying a garage due to encroachment into the side and rear yard setback which is in violation of Ladue Zoning Ordinance #1175, Section V-B-2 and V-C-1(a).

RULING OF THE BOARD After discussion of evidence presented, the Board upholds the decision of the City Planner. A variance is not granted.

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Ms. Liza Forshaw

**MINUTES OF MEETING  
ZONING BOARD OF ADJUSTMENT  
FEBRUARY 7, 2023, 4:00PM  
DOCKET 1377**

**9810 SOUTH 40 DRIVE**

A meeting of the Zoning Board of Adjustment was held at 4:00 p.m. on Tuesday, February 7, 2023.

The following members of the Board were present:

Chairman Ms. Liza Forshaw  
Ms. Laura Long  
Ms. Elizabeth Panke  
Mr. Lee Rottmann

Also present: Mayor Spewak; Erin Seele, City Attorney; Anne Lamitola, Director of Public Works; Paul Garlock, Building Commissioner; Andrea Sukanek, City Planner; and Lori Mullins, Deputy City Clerk.

Chairman Ms. Liza Forshaw called the meeting to order at 4:00 P.M.

**Approval and Adoption of the Agenda**

The agenda was adopted unanimously upon motion by Ms. Panke and second by Mr. Rottmann.

**Approval of the Minutes from the January 3, 2023, meeting**

The minutes were approved unanimously upon motion by Ms. Panke and second by Mr. Rottmann.

**Docket 1377**

Petition is submitted by City of Ladue Public Works Department for the property located at 9810 South 40 Drive. The City of Ladue Public Works Department is requesting relief from the City Planner denying an 8 foot fence which is violation of Ladue Zoning Ordinance #1175, Section IV-C-1(a) and Section IV-C-1(b).

Ms. Sukanek explained the proposed 8' fence is does not comply with the Zoning Code and was therefore denied.

Ms. Forshaw introduced the following exhibits to be entered into the record:

- Exhibit A – Zoning Ordinance 1175, as amended;
- Exhibit B – Public Notice of the Hearing;
- Exhibit C – Letter of Denial dated December 29, 2022;
- Exhibit D – List of Residents sent notice of meeting;
- Exhibit E – Letter requesting the variance dated January, 4, 2023;
- Exhibit F – Entire file relating to the application

Ms. Lamitola took the oath, and shared the history of the former mulch site, and it's progression into the Deer Creek Preserve. She stated that the property is zoned residentially and is adjacent to the right-of-way of the outer road of the interstate. Although zoned residentially, it does not have a residential use. An 8' fence will provide a visual barrier for the yard waste storage areas located on the property and deter trail users from entering sections of the site that are not safe and not open to the public. The purpose of the 8' fence is primarily safety.

Matt Bukhshtaber took the oath and spoke in support of the proposed fence.

Discussion ensued.

Ms. Panke moved to overturn the decision of the City Planner and grant the variance. Ms. Long seconded the motion. The vote was as follows:

The vote was as follows:

Ms. Forshaw	"approve"
Ms. Laura Long	"approve"
Ms. Elizabeth Panke	"approve"
Mr. Lee Rottamnn	"approve"
Mr. Holton	"approve"

With five(5) votes in favor and zero (0) against, the motion carries, the ruling of the City Planner was overturned, and a variance was granted.

### **Adjournment**

At 5:30 p.m. the meeting adjourned upon motion by Ms. Panke and second by Ms. Laura Long.

DOCKET 1377

DATE OF HEARING February 7, 2023

NAME Anne Lamitola

DESCRIPTION OF PROPERTY 9810 South 40 Drive

CAUSE FOR APPEAL The City of Ladue Public Works Department is requesting relief from the City Planner denying an 8 foot fence which is violation of Ladue Zoning Ordinance #1175, Section IV-C-1(a) and Section IV-C-1(b).

RULING OF THE BOARD After discussion of evidence presented, the Board overturn the decision of the City Planner. A variance is granted.

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Ms. Liza Forshaw